

REMARKS

Claims 1 – 8 are pending. Reconsideration is requested.

Claims 1, 2 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sapuntzakis et al. (IETF draft TCP RDMA option draft-csapuntz-tcpdrma-00.txt, Cisco Systems February 2000) in view of Brustoloni et al. (US. Patent 6,886,103).

The examiner has argued that it is obvious to combine the Sapuntzakis et al.'s method of transporting RDMA via TDP with Brustoloni et al.'s method of putting additional data headers between the IP and TCP. The argued motivation is to enable a process to get RDMA related information quickly and efficient without decoding the TCP header, or in other words, to enable the application to get to the RDMA related information.

However, the information carried by Brustoloni et al.'s additional data headers is stack information, not application information. There is no suggestion, or even inclination, in the generally available knowledge, available either in 2000 or the year of the filing of the references, or in Sapuntzakis et al. or even in Brustoloni et al., to put application information below the TCP.

To state a motivation of enabling the application to get “the information quickly and efficiently”, and thus putting it below the TCP, is with all due respect, hindsight, since in the days of Sapuntzakis et al. and Brustoloni et al. no one put application information below the TCP, no one foresaw it and no one would even think of it. If they had thought to put application information below the TCP, they would have done so, and not waited until the applicants’ invention to do so.

In the response of Feb 28 2006, applicant stated, and it was accepted by the Examiner in his action of 29 March 2006, that prior art showed that the header information below the TCP was used for processing by the network stack, and the header information in or above the TCP was used by the application.

To put the RDMA used by the application below the stack, below the TCP, was against the known methodology, and with due respect, it is hindsight to think of implementing such a function. Known methodology did not put information needed by the application below the TCP. As an example of the standard layer protocol was attached as Appendix A in the 28 Feb 2006 response, plus references to other sites.

In Brustoloni, the AH or ESP protocols are used by the stack, so they are of course below the TCP. Brustoloni does not teach putting application information below the TCP, only stack information.

Thus, with due respect, the Examiner has not established a *prima facie* case of obviousness. Applicants respectfully submit that claims 1, 2 and 6 are allowable over Sapuntzakis et al. in view of Brustoloni et al.

Claims 3 – 5, 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sapuntzakis et al. (IETF draft TCP RDMA option draft-csapunz-tcpdrma-00.txt, Cisco Systems February 2000) in view of Brustoloni et al. (US Patent 6,886,103), and further in view of Tsunoda (US Patent 6,516,435).

The Applicants' argument for this rejection is the same argument as for the rejection under 35 U.S.C. 103(a) over Sapuntzakis et al. in view of Brustoloni et al. and will not be repeated in full.

Known methodology did not put information needed by the application below the TCP. There is no suggestion in the generally available knowledge, available either in 2000 or before this present application, or in Sapuntzakis et al. or in Brustoloni et al. or even in Tsunoda, to put application information below the TCP. To state a motivation of enabling the application to get “the information quickly and efficiently”, and thus putting it below the TCP, is with all due respect, hindsight. No one put application information below the TCP, and no one would even think of it – unless they had been shown it before, and said “wow, why didn't I think of that, it is a great idea” – but this is hindsight.

Thus, with due respect, the Examiner has not established a *prima facie* case of obviousness. Applicants respectfully submit that claims 3 – 5, 7 and 8 are allowable over Sapuntzakis et al. in view of Brustoloni et al., and further in view of Tsunoda.

Applicants believe that the above amendments and remarks are fully responsive to all the objections and grounds of rejections by the examiner. In view of the foregoing amendments and remarks, the applicants respectfully submit that all the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the

telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fee associated with this paper to deposit account No. 09-0468.

Respectfully submitted,

By: /Stephen C. Kaufman/
Stephen C. Kaufman
Reg. No. 29,551
Phone No. (914) 945-3197

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IBM Corporation
Intellectual Property Law Dept.
P. O. Box 218
Yorktown Heights, New York 10598